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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: June 2, 2004 Name: John Murray, Ph.D.Signature: John Murray

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Miles B. Brennan et al.Appln. No.: 10/764,712Filed: January 23, 2004For: Method for Treatment of Insulin Resistance
in Obesity and DiabetesAttorney Docket No: 11320/33

Examiner: not assigned

Art Unit: 0

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Second Supplemental Information Disclosure Statement, PTO Form 1449 with 6 references
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$9= | | | x \$18= | |
| Indep. | | Minus | | | x 43= | | | x \$86= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$145= | | | +\$290= | |
| | | | | | Total | \$ | | Total | \$ |

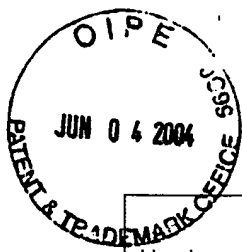
Fee payment:

- ☐ A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 2, 2004
Date

John Murray
John Murray, Ph.D. (Reg. No. 44,251)



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Appln. No.: 10/764,712

Filed: January 23, 2004

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in Obesity and Diabetes

Attorney Docket No: 11320/33

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| | | | | | Total | \$ | | Total | \$ |

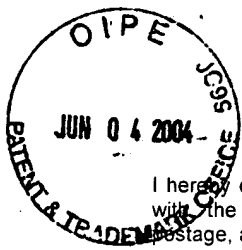
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John Murray, Ph.D. (Reg. No. 44,251)



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P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

on June 2, 2004

Date of Deposit

John Murray (Reg. No. 44,251)

Name of applicant, assignee or
Registered Representative

John Murray

Signature

June 2, 2004

Date of Signature

Our Case No. 11320/33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Miles B. Brennan *et al.*

Serial No: 10/764,712

Examiner: Not assigned

Filed: January 23, 2004

Group Art Unit: Not assigned

For: Method for Treatment of Insulin
Resistance in Obesity and Diabetes

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully
requested that this Second Supplemental Information Disclosure Statement be entered
and the documents listed on the attached Form PTO-1449 be considered by the
Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is believed to be filed before the mailing of the first Office Action on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed. This application is a division of U.S. Patent Application Serial Number 09/953,349 which claims benefit of provisional application U.S. Application Serial No. 60/232,292, filed September 13th, 2000. This prior application is relied upon for an earlier filing dated under 35 U.S.C. § 119. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the following documents are enclosed:

S. Bluher *et al.* "Responsiveness to Peripherally Administered Melanocortins in Lean and Obese Mice", *Diabetes*, Vol. 53, pp. 82-90 (2004)

J. Knudtson "Effects of Pro-Opiomelanocortin-Derived Peptides on Plasma Levels of Glucagon, Insulin and Glucose", *Horm. Metabol. Res.*, 18, pp. 579-83 (1986)

H. E. Lebovitz *et al.* "Relationships Between the Structure and Biological Activities of Corticotropin and Related Peptides: Hyperglycemic Action of N-Acetylated Corticotropin Related Peptides", *Endocrinology*, 79, pp. 635-42 (1966)

H. E. Lebovitz et al. "Acute Effects of Corticotropin and Related Peptides on Carbohydrate and Lipid Metabolism", Ann N Y Acad Sci., 131(1), pp. 274-87 (1965)

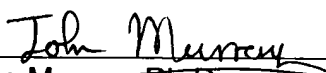
J. Knudtzon "Alpha-Melanocyte Stimulating Hormone Increases Plasma Levels of Glucagon and Insulin and Rabbits", Life Sciences, Vol. 34, No. 6, pp. 547-54 (1984)

C. J. Bailey and P. R. Flatt "Insulin Releasing Effects of Adrenocorticotropin (ACTH 1-39) and ACTH Fragments (1-24 and 18-39) in Lean and Genetically Obese Hyperglycaemic (OB/OB) Mice", Int. J. Obesity, 11, pp.175-81 (1986)

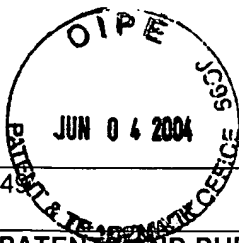
If, for any reason, the Examiner feels that an interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Date: June 2, 2004


John Murray, Ph.D.
Registration No. 44,251
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



| | | |
|---|---------------------------------|-------------------|
| FORM PTO-1449 | SERIAL NO. 10/764,712 | CASE NO. 11320/33 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | FILING DATE January 23, 2004 | GROUP ART UNIT |
| (use several sheets if necessary) | APPLICANT(S): Brennan et al. | |

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|---------------------|--------------------|------|------|--------------------|----------------|
| | | | | | |
| | | | | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES NO |
|---------------------|--------------------|------|---------|--------------------|-----------------------|
| | | | | | |
| | | | | | |

| EXAMINER INITIAL | OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.) | |
|---------------------|--|---|
| | C1 | S. Bluher <i>et al.</i> "Responsiveness to Peripherally Administered Melanocortins in Lean and Obese Mice", Diabetes, Vol. 53, pp. 82-90 (2004) |
| | C2 | J. Knudtzon "Effects of Pro-Opiomelanocortin-Derived Peptides on Plasma Levels of Glucagon, Insulin and Glucose", Horm. Metabol. Res., 18, pp. 579-83 (1986) |
| | C3 | H. E. Lebovitz <i>et al.</i> "Relationships Between the Structure and Biological Activities of Corticotropin and Related Peptides: Hyperglycemic Action of N-Acetylated Corticotropin Related Peptides", Endocrinology, 79, pp. 635-42 (1966) |
| | C4 | H. E. Lebovitz <i>et al.</i> "Acute Effects of Corticotropin and Related Peptides on Carbohydrate and Lipid Metabolism", Ann N Y Acad Sci., 131(1), pp. 274-87 (1965) |
| | C5 | J. Knudtzon "Alpha-Melanocyte Stimulating Hormone Increases Plasma Levels of Glucagon and Insulin in Rabbits", Life Sciences, Vol. 34, No. 6, pp. 547-54 (1984) |
| | C6 | C. J. Bailey and P. R. Flatt "Insulin Releasing Effects of Adrenocorticotropin (ACTH 1-39) and ACTH Fragments (1-24 and 18-39) in Lean and Genetically Obese Hyperglycaemic (OB/OB) Mice", Int. J. Obesity, 11, pp. 175-81 (1986) |
| | | |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.